

## REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

In the specification, the title has been amended.

Claims 3, 6 and 9 have been amended to incorporate the features of claims 2, 5 and 8, respectively. Claims 2, 5 and 8 have been canceled without prejudice or disclaimer. New claims 12-14 have been added. No new matter has been added.

This amendment changes and deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 3, 6, 9 and 12-14 are now pending in this application.

### *Title*

The Office Action indicated that the title was not descriptive. The title has been amended, and applicant submits that the title, as amended, is descriptive of the claimed invention.

### *Rejection under 35 U.S.C. § 103*

Claims 2, 3, 5, 6, 8 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,744,921 to Uchida et al. ("Uchida") in view of U.S. Patent No. 5,799,139 to Yamamoto ("Yamamoto") and U.S. Patent No. 6,766,056 to Huang et al. ("Huang"). These rejections are moot with respect to claims 2, 5 and 8, which have been canceled. With respect to claims 3, 6 and 9, applicant respectfully traverses for at least the following reasons.

Independent claim 3 recites “a filter coefficient stored in the storage section is configured in size that corresponds to approximately 1/4 of the filter size.” Uchida, Yamamoto and Huang fail to suggest at least this feature in the context of claim 3.

The Office Action correctly recognizes that Uchida and Yamamoto fail to disclose the filter coefficient as recited in claim 3, but supplies Huang as disclosing the recited filter coefficient. Applicant submits, however, that Huang fails to cure the deficiencies of Uchida and Yamamoto.

Huang discloses an apparatus including a color map module 103 that provides logic circuitry for storing color encoded data received from a pixel preprocessor 40 (See Fig. 10, col. 18, lines 4-6). The color map module 103 receives address data from a statistics evaluator 111 for pixels within a region for which a dominant color is to be determined (col. 18, lines 25-28). In addition to determining the confidence value for the dominant color feature, the statistics evaluator 111 also performs a foreground pixel count and a complex moment calculation to determine the total number of pixels and the Zernicke moment feature of a mark respectively (col. 18, lines 46-50). For the Zernicke moment calculation, Huang notes that there is generally a symmetry to the magnitude of the coefficients in the look up table, so only a quarter of the coefficients need to be stored (col. 19, lines 15-18), and discloses a 32 x 32 matrix 171 of such coefficients (See Fig. 17b).

Huang, however, merely discloses calculating Zernicke moments of color data using coefficients from a look up table. Such coefficients for calculating Zernicke moments are quite different from the 5x5 filters used by Uchida for its space filtering processing (See col. 13, lines, 24-26). Thus, one skilled in the art would not have looked to the Huang Zernicke moment coefficient matrix when modifying the Uchida space filtering process. Moreover, even if one were to combine Huang and Uchida, the resultant would at best include a Zernicke moment calculation matrix in addition to the space filtering. Thus, even if combined, the result would not meet the features recited in claim 3.

Moreover, Uchida does not disclose that its 5x5 space filters are symmetrical matrices. Thus, Uchida does not suggest that coefficients of its space filter matrices could be

stored in a storage section to be approximately  $\frac{1}{4}$  the size of its filter size. In the present invention, the filter coefficients can be stored in a storage section and configured in a size that corresponds to approximately  $\frac{1}{4}$  of the filter size, because the filter matrix is designed to be symmetrical. Thus, any motivation to combine Uchida and Zernicke to arrive at the claimed invention must be derived from applicant's own disclosure, and as such the rejection must fail.

Independent claims 6 and 9 respectively recite "wherein a filter coefficient stored in the storage section is configured in size that corresponds to approximately  $\frac{1}{4}$  of the filter size" and "wherein a filter coefficient stored in the storage section is configured in size that corresponds to approximately  $\frac{1}{4}$  of the filter size", and thus are patentable for reasons analogous to claim 3.

The dependent claims are patentable for at least the same reasons as their respective independent claims, as well as for further patentable features recited therein.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date November 14, 2005

By Thomas G. Bilodeau

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5414  
Facsimile: (202) 672-5399

Pavan K. Agarwal  
Registration No. 40,888

Thomas G. Bilodeau  
Registration No. 43,438

Attorneys for Applicant